

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
Civil Action No. 3:05 CV 82-K

FIRST CARE MEDICAL CLINIC, INC.,

Plaintiff,

v.

POLYMEDCO, INC.,

Defendants.

ORDER

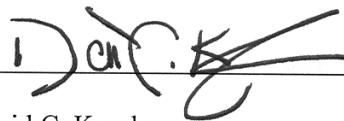
THIS MATTER IS BEFORE THE COURT on its own motion. The Pretrial Order and Case Management Plan (Document No. 12) filed in this matter on July 14, 2005 states that the method of alternative dispute resolution to be utilized in this case is mediation and that the deadline for completing mediation and filing a report on the results is March 15, 2006. The Court's order requiring mediation in this matter is consistent with Local Rule 16.2, which provides that "all parties to civil actions are required to attend a mediated settlement conference, unless otherwise ordered by the Court." The Court is informed, and the case docket sheet seems to confirm, that neither mediation nor any other form of alternative dispute resolution has yet been attempted in this case. Neither party has sought to be excused from this requirement.

The policy reasons for requiring alternative dispute resolution in this district are sound. Alternative dispute resolution techniques such as mediation create an opportunity for the parties to a litigation to resolve their dispute early in the process prior to the need for either dispositive motions, or trial, or both. This can, and often does, inure greatly to the benefit of the parties themselves, the lawyers, and the Court. The Court is aware that in this case the Defendant's Motion for Summary Judgment has now been fully briefed by both parties and is ripe for a decision. The Court is also aware that the case is currently set for trial on the Court's trial term commencing October 30, 2006.

IT IS HEREBY ORDERED that the parties comply with the local rules for this district and the terms of the Pretrial Order and Case Management Plan by arranging for, engaging in, and reporting the results of a mediation on or before October 6, 2006. In the alternative, the parties may request an immediate status conference to discuss the status of the case and the merits, or lack thereof, of alternative dispute resolution efforts at this stage. The Defendant's Motion for Summary Judgment in this matter will not be ruled upon until such time as one of these two courses has been taken.

SO ORDERED.

Signed: September 6, 2006

A handwritten signature in dark ink, appearing to read 'D.C. Keesler', is written over a horizontal line.

David C. Keesler
United States Magistrate Judge

